HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1886 of 2001 (SS)

(Old No. 45002 of 1999)

J.P. Tyagi son of Sri Sughan Chandra R/o C-514, Dak Pathar, District Dehradun ..... Petitioner

Versus

1. State of U.P.
2. The Chief Engineer, Irrigation, Yamuna Colony, Dehradun
3. The Superintending Engineer, Lakhwar Byasi Nirman Mandal, District Dehradun
4. The Executive Engineer, Lakhwar Colony Khand, Dak Pathar, District Dehradun
5. Sri Lakhan Prasad son of sri Bandhu Seinch Supervisor, Lakhwar colony Khand, Dak Pathar, District Dehradun
6. Chief Engineer, Head of the Department, Karmik Anubhag, Irrigation Department, Uttaranchal

..... Respondents

Sri S.S. Yadav, Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 28.8.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 23.10.1997 passed by the Superintending Engineer, Irrigation Department.

Briefly stated the petitioner was appointed on the post of Supervisor in the year 1971 and was posted in Tunnel and Power House Division-I, Dak Pathar, District Dehradun. The petitioner was entitled to be appointed as regular employee on 5.1.1989 as he had requisite qualification but inspite of appointing the petitioner on the post of Sienchpal on regular

basis the respondents appointed respondent no. 5. According to the petitioner respondent no. 5 was only VIII Class passed and had no requisite qualification. The minimum qualification for the post of Seinchpal is High School.

The grievance of the petitioner is that although he was qualified and senior to the respondent no.5 but he was not considered for his appointment on the post of Seinchapl/ Patrol by the respondents. The petitioner has submitted that he has made a representation before the respondent no. 2 on 4.3.1998 but no heed was paid on the representation of the petitioner.

In view of above, liberty is given to the petitioner to move a fresh representation before the competent authority within one month after obtaining the certified copy of this order, who shall consider the claim of the petitioner within one month thereafter.

Accordingly, writ petition is disposed of. No order as to costs.

Dated: 28.8.2006 **Rajesh Tandon, J.**

*Dhyani